

REMARKS

I. Status of Claims

Claims 20-43 are pending in the present application.

II. Response to Restriction Requirement

Applicant provisionally elects Group II and Claims 28, 30-43 this election being with traverse.

As between those two groups of claims, the Office Action does not indicate any reasons for insisting upon the restriction as required by MPEP § 808.02, which requires that the action must show by appropriate explanation one of the following: (A) separate classifications thereof; (B) separate status in the art when they are classifiable together; or (C) a different field of search. Moreover, it is submitted that claims of Group I (20-27, 29) and the claims of Group II (28, 30-43) are directed to related subject matter such that the claims would not be in separate classifications or different field of the search, or otherwise have achieved separate status in the art. Absent such a condition, any restriction cannot be sustained.

Nonetheless, in order to simplify prosecution, Applicants would concede to the withdrawal of Claims 20-27. The only remaining claim from Group I, Claim 29, has already been examined

and allowed. It is submitted that the inclusion of Claim 29 with the elected claims of Group II would require no further search or examination and it is respectfully requested that the restriction as to that claim be withdrawn.

III. Section 102/103 Rejections

In the prior Office Action dated 3/30/2003, Claim 28 was rejected under 35 U.S.C. 103 over Nickl '732. That rejection was addressed in Applicants previous response dated 8/15/2003.

IV. Information Disclosure Statement

Enclosed is a copies of (1) the 12/20/2000 Information Disclosure Statement filed with the application papers, (2) the 4/24/2002 IDS, and (3) the 8/15/2003 IDS, including for each the Form PTO-1449 and copies of cited items.¹ Copies of the return postcards indicating receipt by the USPTO are included for items 1 and 2. It is requested that these three IDS's be acknowledged, the cited items considered, and the PTO-1449 forms be initialed and made of record.

V. Conclusion

Therefore it is submitted that Claims 28-43 are allowable and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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¹ Copies of any U.S. patents are not provided pursuant to 37 CFR